

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6 and 8-11 are now pending in this application. Claim 7 is herein canceled, and claim 6 is amended to include the limitations of claim 7. No new matter is added.

In the outstanding Office Action, claims 1-11 were rejected under 35 U.S.C. § 103(a) as being obvious over JP- 2001-072764 (hereinafter “JP-‘764”) in view of JP-2001-354542 (hereinafter “JP-‘542”). Applicant respectfully requests withdrawal of this rejection.

Claim 1 is an independent claim from which claims 2-5 depend. Claim 1 is directed to a cosmetic material comprising a crosslinked product of poly- $\gamma$ -glutamic acid and/or a crosslinked product of a poly- $\gamma$ -glutamic acid salt. The crosslinked product has an average particle size of 1 to 50  $\mu\text{m}$ . Claim 6, as amended, is directed to a cosmetic material that includes an oiliness agent and a crosslinked product of poly- $\gamma$ -glutamic acid and/or a crosslinked product of a poly- $\gamma$ -glutamic acid salt as an oil dispersion modifier. The crosslinked product of poly- $\gamma$ -glutamic acid or said crosslinked product of a poly- $\gamma$ -glutamic acid salt has an average particle size of 1 to 50  $\mu\text{m}$ .

The JP-‘764 reference discloses a crosslinked polyamino acid used in cosmetics. The JP-‘764 reference discloses the preferred use of polyaspartic acid as the backbone of the polyamino acid, but lists polyglutamic acid and polylysine as alternatives. The JP-‘764 reference teaches a crosslinked product having an average particle size of 10 nm to 500  $\mu\text{m}$ .

The JP-‘542 reference discloses a moisturizer that comprises poly- $\gamma$ -glutamic acid bridges formed by irradiation. However, the JP-‘542 reference does not teach or suggest the particle size of the present invention.

All of the pending claims are directed to a crosslinked product having an average particle size of 1 to 50  $\mu\text{m}$ . As evidenced by the present specification, cosmetics made from

crosslinked product having particle sizes of 1 to 50  $\mu\text{m}$  have superior cosmetic properties as compared to cosmetics made from crosslinked product having particle sizes of 10 nm to 500  $\mu\text{m}$ , the broad range taught by the JP-‘764 reference. Table 1-1 on page 16 of the specification shows the cosmetic evaluation of compositions of Reference Examples 1 and 2, both comprising crosslinked products having average particle sizes of 200  $\mu\text{m}$ . Table 1-2 on page 16 of the specification shows the cosmetic evaluation of Comparative Example 1, also comprising crosslinked products having an average particle size of 200  $\mu\text{m}$ . These three compositions, all comprising crosslinked products having average particle sizes larger than the claimed product, were evaluated and found to have poor cosmetic characteristics (noted in the tables by scores of “B”). Table 1-2 on page 16 of the specification also shows the cosmetic evaluation of Comparative Example 3. This composition comprises crosslinked product having an average particle size of 0.5  $\mu\text{m}$ , smaller in average particle size than the claimed product. This composition was evaluated and found to have poor cosmetic characteristics. In contrast to these compositions, Table 1-1 on page 16 of the specification shows the cosmetic evaluation of Examples 1 and 2, both comprising crosslinked products having average particle sizes of 10  $\mu\text{m}$ , within the average particle size of the claimed product. These compositions were evaluated and found to have good cosmetic characteristics. These unexpected superior results show the nonobviousness of the claimed cosmetic materials.

In addition to the unexpected improvement seen with the smaller particle sizes, the JP-‘764 reference does not teach or enable the crosslinked product of poly- $\gamma$ -glutamic acid or a crosslinked product of a poly- $\gamma$ -glutamic acid salt, and does not teach a product having the good oil dispersibility of the present invention. This is evidenced by the Declaration of Hajime Ito submitted in the Amendment filed November 16, 2006 (showing the superior oil dispersing ability of crosslinked poly- $\gamma$ -glutamic acid in which the crosslinking was effected

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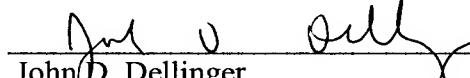
by electron beam radiation, as in the present invention, as compared with crosslinked poly- $\gamma$ -glutamic acid in which the crosslinking was effected by prior art chemical methods).

Because the claimed cosmetic materials all comprise crosslinked products having average particle sizes of 1 to 50  $\mu\text{m}$ , and cosmetic materials within this range have superior results as compared with the broader range disclosed in the JP-‘764 reference, and because the claimed cosmetics exhibit surprisingly good oil dispersibility not taught or suggested by the references, Applicant respectfully requests the withdrawal of the rejections of claims 1-6 and 8-11, and the allowance of these claims.

In light of the above discussion, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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